

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ATLANTIC RECORDING CORPORATION, a
Delaware corporation; WARNER BROS.
RECORDS INC., a Delaware corporation; SONY
BMG MUSIC ENTERTAINMENT, a Delaware
general partnership; VIRGIN RECORDS
AMERICA, INC., a California corporation; and
CAPITOL RECORDS, INC., a Delaware
corporation,

Plaintiffs,

-against-

MOCHE CHEMLA,

Defendant.

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Civil Action No.: 05CV1088 (DGT) (RML)

Filed Electronically

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 19, 2007 ★

P.M. _____
TIME A.M. _____

~~05CV1088~~ **DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

Based upon Plaintiffs' Application For Default Judgment By The Court, and good
cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed
work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the nine sound
recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in
default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the
sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand
Seven Hundred Fifty Dollars (\$6,750.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of
Three Hundred Seventy-Five Dollars (\$375.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "All In Your Mind," on album "Mariah Carey," by artist "Mariah Carey" (SR# 118-408);
- "Just a Phase," on album "Morning View," by artist "Incubus" (SR# 306-181);
- "Gravity Of Love," on album "The Screen Behind The Mirror," by artist "Enigma" (SR# 277-091);
- "Can't Take That Away (Mariah's Theme)," on album "Rainbow," by artist "Mariah Carey" (SR# 276-595);
- "Always on My Mind," on album "Always on My Mind," by artist "Pet Shop Boys" (SR# 97-564);
- "One Sweet Day," on album "Daydream," by artist "Mariah Carey" (SR# 215-243);
- "In The Air Tonight," on album "Face Value," by artist "Phil Collins" (SR# 24-682);
- "By Myself," on album "Hybrid Theory," by artist "Linkin Park" (SR# 288-402);
- "Knocking On Forbidden Doors," on album "MCMXC, A.D.," by artist "Enigma" (SR# 126-800);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e.,

upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: 8/1/05

By: s/David G. Trager
Hon. David G. Trager
United States District Judge